

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-X

CAPITOL RECORDS, INC. et al.,

:

Plaintiffs,

: 07 Civ. 9931 (WHP)

-against-

: ORDER

MP3TUNES, LLC et al.,

:

Defendants.

:

-X

WILLIAM H. PAULEY III, District Judge:

Plaintiffs move for reconsideration of those portions of this Court's August 22, 2011 Memorandum & Order finding that (1) the safe harbor protections of 17 U.S.C. § 512 apply to sound recordings fixed prior to February 15, 1972; and (2) MP3tunes LLC adequately implemented a repeat infringer policy. Plaintiffs' motion for reconsideration is granted and upon reconsideration this Court affirms its earlier findings and conclusions. This Court withdraws its August 22, 2011 Memorandum & Order, and issues an Amended Memorandum & Order dated October 25, 2011. The Clerk of the Court is directed to delete Docket Entry No. 267 and terminate the motion pending at Docket Entry No. 268.

Dated: October 25, 2011
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

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